

10-15-96 96-436 Cont'd

DEPARTMENT: Public Works

By: Michael D. Edwards
Director

Phone: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes X No)

Approve recommended revisions in liability insurance requirements for aircraft based on tie-down space at the Mariposa/Yosemite Airport.

Public Works and County Counsel recommend the following minimum liability insurance policy amounts per occurrence for property damage or bodily injury:

- \$300,000 for all aircraft that meet the FAA definition for "ultralight" aircraft
- \$500,000 for all other aircraft

The current requirements are contained in Title 19 of County Code (see Attachment #1, Paragraph 19.02.280).

If approved, the insurance requirement language for tie-down space rental agreements would be changed to read:

LESSEE shall obtain a liability insurance policy, naming COUNTY as an additional insured, in the minimum amounts described below per occurrence in the event of damage to property or injury to persons as a result of LESSEE's use of the PREMISES. Proof of insurance shall be provided COUNTY upon execution of this AGREEMENT. LESSEE's insurance shall be primary with respect to any insurance or self-insurance maintained by COUNTY or Fixed Base Operator. COUNTY shall be notified in writing thirty (30) days prior to cancellation or expiration of the policy.

- Ultralight Aircraft: \$300,000
- All Other Aircraft: \$500,000

This language is consistent with lease agreements for hangar space.

If this action is approved, the new insurance requirements should be made effective in 30 days. The Airport Advisory Committee (AAC) is currently working on recommended revisions to Title 19 which includes liability insurance requirements. The AAC will incorporate the Board's actions into proposed Code revisions for consistency.

Currently, one-seat ultralight aircraft, by all accounts, can only obtain a policy with maximum limits of \$100,000. Only one known insurance carrier supplies such a policy. The same carrier will cover a two-seat ultralight up to \$300,000, but is unwilling to extend similar coverage to a one-seat ultralight. Therefore, this action could preclude single-seat ultralight aircraft, of which there are currently five, from being based at the airport. The AAC, in a 4-2 vote, recommended that single-seat ultralights only be required to maintain a \$100,000 policy, until such time that additional coverage might become available. Their recommendation otherwise agrees with that of staff.

In making their recommendation, staff considered the relative risks associated with all types of aircraft based at the airport. Five hundred thousand dollars (\$500,000) worth of coverage is the normal minimum that can be justified in most cases. Recognizing the somewhat smaller potential for ultralight aircraft to cause severe property damage, the recommended amount was reduced to \$300,000.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has approved similar requirements recently for hangar space leases (\$500,000 minimum coverage in all cases).

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Approve AAC recommendations.
2. Approved modified insurance requirements at Board discretion.
3. Defer decision to be made with upcoming Ordinance revision proposals.

COSTS: (X) Not Applicable
 A. Budgeted current FY \$ _____
 B. Total anticipated costs \$ _____
 C. Required additional funding \$ _____
 D. Internal transfers \$ _____

SOURCE: () 4/5th Vote Required
 A. Unanticipated revenues \$ _____
 B. Reserve for contingencies \$ _____
 C. Source description: _____
 Balance in Reserve Contingencies, if approved: \$ _____

SPECIAL INSTRUCTIONS:
 List the attachments and number the pages consecutively:
 1. Section 19.02.280 of County Code (2 pgs) _____


CLERK'S USE ONLY
 Res. No.: 96-436 Ord. No. _____
 Vote - Ayes: _____ Noes: _____
 Absent: _____ Abstained: _____
 () Approved () Denied
 Minute Order Attached () No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
 Date: _____
 ATTEST: MARGIE WILLIAMS, Clerk of the Board
 County of Mariposa, State of California
 By: _____
 Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
 This item on agenda as:
 Recommended
 Not Recommended
 For Policy Determination
 Submitted with Comment
 Returned for Further Action
 Comment: _____
 A.O. Initials: MW

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: MIKE EDWARDS, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board 
SUBJECT: REVISIONS IN LIABILITY INSURANCE REQUIREMENTS AT THE
MARIPOSA/YOSEMITE AIRPORT; RES. 96-436

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on October 15, 1996

ACTION AND VOTE:

4:18 p.m. Mike Edwards, Public Works Director;
Approve Recommended Revisions in Liability Insurance Requirements for Aircraft Based on Tie-Down Space at the Mariposa/Yosemite Airport (Continued from 10/8/96)
BOARD ACTION: Discussion was held concerning this matter and staff's recommendation. Supervisor Balmain advised of his research on this matter with insurance companies. Input was provided by the following: Roger Kunz stated he owns an ultralight and commented on his research with the insurance companies and advised that a policy is only available for heavy ultralights/two seaters and presented letters relative to this matter EAA Aviation Center and U. S. Specialty Insurance Company; and talked about the differences between ultralights and heavy ultralights and standard aircraft. Bill Leidenroth, ultralight pilot, commented on the insurance issues and stated other airports accept the \$100,000 policy; advised of the requirements for a pilots license to operate the ultralights that weight over 254 pounds/two seaters, otherwise, no training is required; presented a news story relative to a New York community encouraging ultralight activity; and suggested there be a mechanism to prevent tie-downs of ultralights without meeting some training requirements. Bill Foschaar stated he has fifty years as a conventional pilot and reviewed the minimum requirements to get a pilots license and advised that there are no requirements to fly an ultralight; commented on landings at the Airport and the flight patterns for Leer jets and ultralights and the potential for a collision; cited a recent incident where an ultralight crashed on take-off and could have hit other aircraft resulting in major damage; advised that he personally carries one million dollars liability insurance on each of his three aircraft; and suggested that a separate facility be considered for the ultralights so they are not mixed with the aircraft. Tom Hoskins stated he flies his ultralight at the Airport and advised of another category of fixed wing aircraft for those who do not want to fly very far from the Airport; advised that ultralights are restricted in the amount of fuel, weight, no passengers and no flying at night; feels he is about to lose his sport because of a catch 22 situation with the proposed insurance requirements that are not able to be obtained; feels they have been self-governing with safe

practices; felt a USUA sign-off should be required for tie-down; cited an example in Miami where ultralights sued for discrimination at the airport; stated he feels that the Airport Manager does not support ultralights; and noted that you cannot fly a two seater for pleasure. Supervisor Stewart requested that evidence be presented to substantiate any claims of discrimination and that accusations not be made without evidence. Roger Kunz commented on the EEA and instruction requirements. Tricia Ball, Mr. Foschaar's daughter, stated she obtained her license and is a private pilot; requested that the ultralights be equally responsible; and noted that she has had problems with ultralights in the traffic patterns when they were not paying attention. Eric Gourley/Chairman of the Airport Advisory Committee and certified flight instructor, commented on requirements to become an instructor; stated he feels the higher insurance coverage is not available because the insurance companies do not want the higher risk; advised of requirements for a recreational pilot certificate and for a pilots license; stated the FAA avoided regulating ultralights and the County should look at that closer; advised there are no records of ultralight accidents as they are not required to be investigated; and suggested that if insurance requirements are lowered for ultralights, that should also happen for other aircraft. Further discussion was held concerning the insurance and liability issues. Maria Liddle/Airport Manager, commented on her authority at the Airport to ground pilots and relative to ability to regulate flight pattern use. Supervisor Reilly suggested that consideration be given to working with other airports relative to the concerns. Bill Bondshu/Bondshu Insurance, stated they can only obtain insurance in the amount of \$100,000. Supervisor Balmain mentioned the possibility of looking at other sites for the ultralights. (M)Parker, (S)Pickard, Res. 96-436 adopted requiring \$100,000 liability insurance for ultralights and \$300,000 for other aircraft, with the County to be named as first insured; with direction for rules and regulations and policies to be established for ultralight operators; that training requirements be met before ultralights are allowed to operate at the Airport facilities; that ultralights not be allowed to fly around in the traffic pattern and use it only for take-offs and landings; and that insurance requirements will increase if higher amounts of coverage becomes available. Following further discussion, motion was amended, agreeable with maker and second, to include authority for the Airport Manager to take proper measures for any activity that is witnessed of any type of aircraft. Motion was further amended, agreeable with maker and second, to include direction for staff and the Committee to review the flight pattern use as part of the procedures/Ayes: Reilly, Stewart, Parker, Pickard; Noes: Balmain.

cc: Jeff Green, County Counsel
Maria Liddle, Airport Manager
File

terminal building.

B. No person may use flammable liquids, solvents or substances to clean any aircraft, engine, part or accessory thereof within any hangar or building except a building specially designed for that purpose and approved in writing by the airport manager. Such approval shall only be granted when the airport manager approves the ventilation provisions, fireproofing and fire-extinguishing equipment.

C. No person shall light or use any open flame for any purpose in any hangar or other building on the airport without the prior written consent of the airport manager.

D. No person shall operate any electric or gas welding or cutting equipment anywhere on the airport without prior written approval of the airport manager.

E. No person shall clean or degrease any aircraft or part thereof except at or in a maintenance station properly equipped for such purposes or in a space designated or authorized by the airport manager.

F. No person shall store or stock any material or substance or permit such activities in or on the airport in such a manner or of such nature as to constitute a fire hazard. No person shall keep, store or discard any flammable liquid, gas, signal flare or other flammable material in any hanger, shop, building, room, enclosure or other place on the airport except in areas specially designated by the airport manager for such purpose.

G. Lessees of hangars, shops or other airport areas shall provide suitable metal receptacles with hinged lids for the storage of oily waste, rags and other similar rubbish. All such materials shall be removed by the lessee at frequent intervals.

H. Every lessee shall maintain the leased area clean and reasonably free of oil, grease, waste, other flammable materials, and weeds.

I. Lessees shall provide and maintain in proper working order adequate and readily accessible fire extinguishers. Each such extinguisher shall bear a suitable tag which indicates the most recent date of inspection or servicing. Extinguisher shall be approved by the Mariposa County fire warden if they meet the requirements of the county fire warden. (Ord. 510 Sec.1(part), 1979).

19.02.270 Fuel sales.

No person shall deliver aviation fuels or lubricants to or dispense such fuel from, at or upon the airport without a permit from the Mariposa County airport advisory committee approved by the board of supervisors. No fuel shall be stored anywhere on the airport except in underground tanks or such other tanks as may be approved by the airport manager. (Ord. 510 Sec.1(part), 1979).

19.02.280 Liability insurance.

Each aircraft based at the Mariposa-Yosemite Airport must be covered by bodily injury liability insurance with a minimum limit of one hundred thousand dollars per person, three hundred thousand dollars per incident (or a single limit liability of three

hundred thousand dollars), and property damage liability with a minimum limit of one hundred thousand dollars. (Ord. 510 Sec.1(part), 1979).

19.02.290 Illegal activities.

No person shall:

A. Take or use any aircraft, aircraft parts, instruments or tools pertaining thereto which are owned, controlled or operated by any other person while such aircraft, parts, instruments or tools are stored or otherwise left on the airport or within its hangars, buildings or facilities without the written consent of the owner/operator thereof, except upon satisfactory evidence of the right to do so duly presented to the airport manager or authorized by him or so ordered by a court of competent jurisdiction;

B. Land, take off, taxi or otherwise operate any aircraft on, at or from the airport when he knows such aircraft is not operating properly or is equipped with any part of safety device which is defective or unsafe. Deviations from this restriction shall only be permitted by specific authorization from the airport manager or designated representative; nor shall any aircraft be operated on or at the airport or on any runway thereof when the airport or runway has been closed to traffic by the airport manager or other legal authority and such closure has been indicated by the placement of an "X" at each end of the closed runway;

C. Operate any aircraft on, at, or in the vicinity (three statute miles) of the airport in willful or wanton disregard for the safety of persons or property, whether his/her own or that of others;

D. Engage in the performance of any aerobatics, stunt or maneuver not necessary to a normal takeoff, landing, normal turn or level flight of the aircraft over or within one mile of the exterior boundaries of the airport, excluding aircraft approved for such flight by the airport manager for show or demonstration;

E. Engage in the sale of any goods, wares, merchandise or services at or upon the airport without first having secured from the airport manager a permit therefor and paying any required fees for such permit. (Ord. 510 Sec.1(part), 1979).

19.02.300 Airport closure.

The airport manager is directed and authorized to close the airport or portions thereof or suspended operations related to the landing, take-off or taxiing of aircraft during any period in which he/she determines that such operations or their continuance would be hazardous. Causes for such closure could include but not be limited to adverse weather conditions, runway maintenance or repairs, runway obstacles, fire, aircraft, or other accident. Any such closure shall be effective only during such time as there is placed at each end of each runway so closed a letter "X", the arms of which are at least twenty (20) feet long and two (2) feet wide and so colored as to contrast with the background or other surface. The airport manager shall immediately notify the Fresno Flight Service Station and issue a Notice to Airmen (NOTAM) advising of the closure. (Ord. 510 Sec.1(part), 1979).